



PATENT

I hereby certify that on the date specified below, this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

December 6, 2005
Date

Phoebe E. Pogson
Phoebe E. Pogson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/654,115

Confirmation No. : 5616

Applicant : Dean A. Klein

Filed : August 30, 2000

Attorney Docket No.: 500050.01

Art Unit : 2193

Customer No. : 27,076

Examiner : Tuan A. Vu

Title : SYSTEM AND METHOD FOR DETERMINING THE CACHEABILITY OF CODE AT
THE TIME OF COMPILING

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES
AND PETITION FOR AN EXTENSION OF TIME**

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences the decision of the Examiner dated June 6, 2005 rejecting claims 1-61.

Applicant hereby petitions for an additional extension of time under 37 C.F.R. § 1.136, extending the period of response two additional months, for a total three month extension to expire on December 6, 2005. A petition for a one-month extension of time was filed on September 22, 2005, with the Request for Reconsideration. If an additional extension of time is required, please consider this a petition therefor.

12/12/2005 WABDELRI 00000062 09654115

02 FC:1253

900.00 OP

12/12/2005 WABDELRI 00000062 09654115
01 FC:1401
500.00 OP

Our check for \$1400, in accordance with applicant small/large entity status, is enclosed.

Notice of Appeal	\$	500
Extension of time fee (\$1020-120)		900
Total	\$	1400

The Commissioner is hereby authorized to charge any fees in conjunction with this communication or to credit any overpayment to Deposit Account No. 50-1266. This notice is being submitted in duplicate.

Respectfully submitted,
DORSEY & WHITNEY LLP



Edward W. Bulchis
Registration No. 26,847

EWB:pep

Enclosures:

- Postcard
- Check
- Fee Transmittal
- Copy of this Notice/Petition

1420 Fifth Avenue, Suite 3400
Seattle, Washington 98101
Tele: (206) 903-8800
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**FEE TRANSMITTAL SHEET
(FY 2005)**

Effective on 12/08/04

DEC 09 2005

Complete if Known

Application No.	09/654,115
Filing Date	August 30, 2000
First Inventor	Dean A. Klein
Group Art Unit	2193
Examiner Name	Tuan A. Vu
Atty. Docket Number	500050.01

☐ Applicant claims small entity status (see 37 C.F.R. 1.27)

METHOD OF PAYMENT (Check One)

☒ The Director is hereby authorized to charge any additional fee required under 37 C.F.R. §§ 1.16 and 1.17 and 1.136(a)(3) and credit any over payments to Deposit Account No. **50-1266**; Deposit Account Name: **DORSEY & WHITNEY LLP**.

☒ Check Enclosed.

Extra Claim Fees

Current Claims	Prior	Extra	Fee	Fee Paid
Total	- 20	=	x \$	= \$
Ind.	- 3	=	x \$	= \$
Multiple Dependent Claims		=	x \$	= \$
Subtotal (Extra Claims)				\$

Petition Fee Under 37 CFR 1.17(f), (g), & (h)

Enclosed is a Petition filed under 37 CFR as indicated below:

- ☐ **Petition Fee under 37 CFR 1.17(f) Fee \$400**
- § 1.53(e) to accord a filing date.
 - § 1.57(a) to accord a filing date.
 - § 1.182 for decision on a question not provided for.
 - § 1.183 to suspend the rules.
 - § 1.378(e) for reconsideration of decision on petition refusing delayed payment of maintenance fee in expired patent.
 - § 1.174(b) to accord a filing date to an application under § 1.740 for extension of patent term.
- ☐ **Petition Fee under 37 CFR 1.17(g) Fee \$200**
- § 1.12 for access to an assignment record.
 - § 1.14 for access to an application.
 - § 1.47 for filing by other than all inventors or person not the inventor.
 - § 1.59 for expungement of information.
 - § 1.103(a) to suspend action in an application.
 - § 1.136(b) for review of a request for ext. of time when § 1.136(a) not avail.
 - § 1.295 for review of refusal to publish a statutory invention registration.
 - § 1.296 to withdraw a req. for pub. after notice of intent to publish issued.
 - § 1.377 for review of decision refusing to accept a maintenance fee filed prior to expiration of a patent.
 - § 1.550(c) for request for ext. of time in *ex parte* reexam. proceedings.
 - § 1.956 for request for ext. of time in *ex parte* reexam. proceedings.
 - § 5.12 for expedited handling of foreign filing license.
 - § 5.15 for changing the scope of a license.
 - § 1.5.25 for retroactive license.
- ☐ **Petition Fee under 37 CFR 1.17(h) Fee \$130**
- § 1.19(g) to request documents in a form other than provided in this part.
 - § 1.84 for accepting color drawings or photographs.
 - § 1.91 for entry of a model or exhibit.
 - § 1.102(d) to make an application special.
 - § 1.138(c) to expressly abandon an application to avoid publication.
 - § 1.313 to withdraw an application from issue.
 - § 1.314 to defer issuance of a patent.

FEE CALCULATION (Continued)

3. ADDITIONAL FEES

Large Entity Fee	Small Entity Fee	Fee Description	Fee paid
50	25	Surcharge - late provisional filing fee or cover sheet	\$
130	65	Surcharge - Late nonprovisional filing fee or oath	\$
180	180	Submission of IDS	\$
40	40	Recording each patent assignment per property (times number of properties)	\$
120	60	Extension for reply within first month	\$(120)
450	225	Extension for reply within second month	\$
1,020	510	Extension for reply within third month	\$1020
1,590	795	Extension for reply within fourth month	\$
2,160	1,080	Extension for reply within fifth month	\$
790	395	Submission After Final 1.129	\$
500	250	Notice of Appeal	\$500
500	250	Filing a brief in support of an appeal	\$
1,000	500	Request for oral hearing	\$
130	65	Terminal Disclaimer Fee	\$
800	400	Design Issue Fee	\$
790	395	Request for Continued Examination (RCE)	\$
130		Request for voluntary publication or republication	\$
500	250	Petition to Revive - unavoidable	\$
1,500	750	Petition to Revive - unintentional	\$
200		Filing for patent term adjustment	\$
400		Request for reinstatement of term reduced	\$
1,120		Extension of term of patent	\$

OTHER FEE (specify)

Subtotal (Additional Fees) \$1400

Total Amount of Payment: \$1400

Submitted by:

CUSTOMER NUMBER
27,076

DORSEY & WHITNEY LLP

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Name: Edward W. Bulchis

Reg. No.: 26,847

Signature:

Edward W. Bulchis

Date:

12/6/05